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MONDAY MORNING, APRIL 4, 1836.

PRICE \$6 PER ANN. IN ADVANCE.

DEMOCRATIC NOMINATIONS.

FOR PRESIDENT.

MARTIN VAN BUREN.

FOR VICE PRESIDENT.

RICHARD M. JOHNSON.

FOR ELECTORS AT LARGE.

HON. NATHAN WILLIS, of Pittsfield.

HON. SETH WHITMARSII, of Sekonk.

FOR DISTRICT.

No 1, CALEB EDDY, of Boston.

2, ROBERT RANTOUL, of Beverly.

3, JOSEPH KITTREDGE, of Andover.

4, FRANCIS TUTTLE, of Acton.

5, SAMUEL TAYLOR, of Sutton.

6, SAMUEL C. ALLEN, of Northfield.

7, JOSEPH FITCH, of New Marlborough.

8, HARVEY CHAPIN, of Springfield.

9, BENJAMIN P. WILLIAMS, of Roxbury.

10, NATHAN C. BROWNELL, of Westport.

11, THOMAS MANDELL, of New Bedford.

12, JABEZ P. THOMPSON, of Halifax.

EXPURGATION OF THE JOURNAL.

SPEECH OF MR. BENTON,

OF MISSOURI.

(CONTINUED.)

III. I pass on to the third proposition which affirms the vagueness and ambiguity of the resolve as adopted, and presents some of the evils resulting from such an indefinite mode of condemnation. It is in these words: "And whereas the said resolve, as adopted, was uncertain and ambiguous, containing nothing but a loose and floating charge for derogating from the laws and constitution, and assuming ungranted power and authority in the late Executive proceedings in relation to the Executive proceedings, or what part of the public revenue was intended to be referred to, or what parts of the laws and constitution were supposed to have been infringed, or in what part of the Union, or at what period of his administration, these late proceedings were supposed to have taken place: thereby putting each Senator at liberty to vote in favor of the resolve upon a separate and secret reason of his own, and leaving the ground of the Senate's judgment to be guessed at by the public, and to be differently and diversely interpreted by individual Senators according to the private and particular understanding of each: contrary to all the ends of justice, and to all the forms of legal and judicial proceeding—to the great prejudice of the accused, who could not know against what to defend himself; and to the loss of Senatorial responsibility, by shielding Senators from public accountability, for making up a judgment upon grounds which the public cannot know, and which, if known, might prove to be insufficient in law, or unfounded in fact."

When he had read this proposition, Mr. B. said, is this a true description of the Senate's judgment? Can it be possible that this elevated body, intended by the constitution to be the gravest assembly on earth, could have so far sported with its own responsibility, and with the rights of an accused person, as to deliver a sentence of condemnation so void of form as this description announces? The question is a grave one, and the answer should be the best which the nature of the case can possibly admit. Inspection is the best answer which the case admits of. It is a case for the inspection of the record—for trying the record by itself. Here it is; read, listen and judge.

"Resolved, That the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

Vague! vague! vague! uncertain, ambiguous, deceptive! amphibolous! and the highest illustration of that Cynic's sarcasm, who defined language to be an art conferred upon man to enable his tongue to conceal his thoughts. Surely the very thing is concealed here which is the only thing that ought to be known, namely, the specific act which constitutes the violation of law and constitution intended to be fastened on the President.

I do not dilate upon the use and necessity of precise allegation in criminal accusation. The time, the place, and the act, are the essence of the charge, and can never be dispensed with. The instinct of justice in every human bosom, recognizes this; the forms of criminal proceeding in all countries of law and order, prescribe it; and the mover of this condemnation admitted it, by his repeated attempts to give specifications, and by his tardy abandonment of that attempt at the last moment, at the end of one hundred days' debate, when the sentence of condemnation could no longer be delayed, without losing the benefit of it at the impending elections, and when it was indisputably known that no majority, not even the party majority which then prevailed in this chamber, could be brought to unite in any act of illegal conduct which the genius of the mover could impute to the President. I will not dilate upon this plain point, but I will produce an example from our own history to show with what precise allegation of time, place, and act, violations of law were charged upon executive officers in the earlier age of our republic.

I read from the journals of the House of Representatives in 1793. They are the resolutions submitted by Mr. Giles, of Virginia, for the purpose of impeaching the Secretary of the Treasury, General Hamilton, and are in these words:

"Resolved, That the Secretary of the Treasury has violated the law passed the 4th of August, 1790, making appropriation of certain moneys authorized to be borrowed by the same law, in the following particulars, to wit:

"1. By applying a certain portion of the principal borrowed to the payment of interest falling due upon the principal, which was not authorized by that or any other law.

"2. By drawing a part of the same moneys into the United States, without the instructions of the President of the United States."

Here all is open, manly and intelligible. Mr. Giles tells what he means, and commits himself upon the issue. General Hamilton knows what he is charged with; the House knows what to proceed upon; and the public knows for what to hold the accused to his defence, the accuser to his proofs, the House to its justice, and all the parties to their official accountability to their constituents. Compare this resolve against President Jackson, with the resolve of Mr. Giles, and see how different in the essential particulars of criminal accusation. The general charge is the same in both cases, that of violating law, and acting without authority; yet the resolves are totally different; one, all precision, the other, all ambiguity. In one, every word a declaration of fact or law, on which precise issues might be taken; in the other, every word a problem, and susceptible of as many meanings as there were tongues to debate it.—Like the oracular responses of the Pythian Apollo, they seemed to be selected for their amphibology, and be-

cause any meaning and every meaning which might be required or forbid, might be affirmed or denied under them. Try them by their sense and import. "Late Executive proceedings." Here are three words, and three ambiguities. 1. "Late." How late? one year, two years, five or ten years ago? 2. "Executive." What part of the executive? the Chief Magistrate, or one of the heads of departments? 3. "The public revenue." What part of it? That in the Bank of the United States, or in the deposit banks, or in a state of collection in South Carolina? I defy any man to affix any definite idea to either of these terms, or to take any issue upon them. All is uncertain, ambiguous, problematical; nothing is clear but the abandonment of all that related to Mr. Duane, Mr. Taney, the removal of the deposits, the responsibility of removing them, the danger to the liberties of the people, and the complete cutting loose from all connexion with the Bank of the United States, whose wrongs had solely occupied the two previous forms of the resolution, and had figured so incontinently in all the speeches of all its friends. All this is abandoned; all mention of the Bank is dropped. Instead of it, the vague charge is substituted, which has been so often pointed out to the notice of the Senate; and under this general denunciation, a general verdict was procured by a new species of individual contribution, something like a subscription list, or poney purse of accusation, in which each one put in according to his will and his means.

Mr. B. said, he had adduced this instance of criminal accusation, this charge against General Hamilton, for the purpose of showing, that precise allegations were indispensable in such cases; but it was also available and eminently applicable for another purpose; for the purpose of showing that corrupt, wicked, or improper motives were not necessary to be alleged in proceeding against an officer for an impeachable offence. The design of Mr. Giles, was to impeach General Hamilton; and for that purpose, he charges him with a naked violation of law, without the slightest imputation of an improper motive, and without the smallest allegation of injury to the public. It is a case in point; and added to the cases of the judges Chase and Pickens, is conclusive to show, that even where a regular and formal impeachment is intended, no averment, under our constitution, of criminal motives, or public detriment, need be alleged.

Mr. President, the public, and even the Senate, have heard much of late years, of a certain doctrine in politics, called non-committal, and it has generally been presented in a very unenviable and undesirable point of view. Some have even gone so far as to say, that they scorned the character of an uncommitted man; and a certain gentleman that you and I wot of, has been conspicuously paraded in speeches and gazettes, as the founder of the non-committal school, and the original of the portrait which has been drawn of an uncommitted man. Of the justice, the propriety, the truth, and the decency, of what has been said and published of that gentleman, on that point, it is not my purpose, in this place, to make a question, nor would I, presume, be your pleasure to decide. I premit that labor; and proceeding upon the assumption of his opponents, that the aforesaid gentleman was actually the founder of the aforesaid school, I have to remark, that it seems to me, that like other great inventors, he is in danger of being robbed of the glory of his discovery by the improvements which are made by others upon his invention. So far as I understand the institutes of the original school, the right of non-committal extended no further than to problems in politics; it did not embrace cases of law and morality, nor extend to the conduct of judges and Senators! But who can stop the march of improvement? Who can limit the genius of the scholar? Who can baffle the art of the cunning imitator? Already the doctrine of non-committal has made its way to the judgment seat,—to this chamber,—and to this very case. The Senate refuses to commit itself upon the question, of what it is, that they have condemned President Jackson for! They not only refuse to commit themselves for the grounds of their judgment, but they revoke the commitment which they had partly made. They withdraw every thing upon which they could be held to their accountability. They haul in, back out, cut loose, and run away, from their own attempt to specify the guilt of President Jackson; and then condemn him in a general verdict, made up by compromise, and unable to bear the test of any one specification whatever. Yes, sir! made up by compromise! for whom of us, that were then in this chamber, that does not remember the extraordinary circumstances of the closing scene? the peripatetic movements which took place among members? the crossing to and fro on this floor? the consultations and the whisperings? the fixing and altering, the writing and rubbing out, the offering and withdrawing, the tearing up and beginning anew, which went on in this chamber, to the delay of the call for the yeas and nays, until a set of phrases were collected, by contribution from different parts of this floor, sufficiently non-committal to embrace all who were willing to condemn the President, without being able to tell for what! I speak as an eye witness, when I describe the closing scene in these terms; and I appeal to forty Senators then, and now present, to affirm my statement. And what say the laws of the land to the verdicts obtained by compromise? Utterly reprobated; the jury reprimanded, who gives them; their verdict set aside, and a new trial ordered.

Sir, said Mr. B., examine this sentence of condemnation as it stands. Examine it word by word, and see if it is located to any one place, limited to any time, or confined to any one act? Will it not cover the "late" Executive proceedings relative to the revenue in South Carolina, as well as the "late" Executive proceedings relative to the deposits in Philadelphia? Will it not cover the orders to Commodore Elliott to proceed to Charleston, just as well as it will cover the order to Mr. Duane to quit the cabinet?—Would it not cover the removal of troops to the south, to ensure the collection of revenue, just as well as it would cover the removal of the deposits from the Bank to prevent the mischiefs of their remaining there?—Were not the two measures equally complained of at Charleston and Philadelphia? and is it not notorious that when distinguished sons of South Carolina, immediately after the condemnation of the President, denounced the lawless tyranny of his conduct in public speeches in Philadelphia, meaning all the while his conduct in relation to the revenue in South Carolina, that the friends of the Bank, who had previously applauded the President for that conduct, clapped and shouted, and flung their caps into the air, in a delirium of exultation, under the delusion that all this denunciation found its issue in the wrongs of the Bank, and not in the wrongs of South Carolina. Certain it is, that the criminal resolve which, in its first and second form was all Bank, in its third form, cut loose from the Bank entirely! that Mr. Duane, Mr. Taney, the responsibility, the deposits, the mother Bank and its branches, which figured exclusively in the first and second forms, were all expunged in the third form! and not one word retained, which could commit the supporters of the resolve to the name, to the cause, or to the complaints of the Bank!

I have described the scene, faintly described it, as it took place in this Senate, in the face of all then present, and while the call for the yeas and nays was delayed to give time for making up the phraseology of the resolution. It now becomes my duty to explain the reason why it came to pass that this business of fixing the non-committal phrases of the resolve was postponed to the last moment, and then had to be transacted by consultations and whisperings in the Senate. The reason, sir, was this: at the commencement of the session of 1833, '34, the Bank of the United and the Senate of the United States appear to have commenced an attack upon the people, the property, and the Government of the United States. The Bank created a pressure, the Senate excited a panic; and the spring elections in New York and Virginia were the first and principal objects of both. The Bank sent out her orders to call in debts, and break up exchanges; the Senate brought in its resolution to condemn President Jackson for a violation of the laws and constitution; and under the combined action of this double process, the price of all property was sunk, and the public mind agitated and alarmed, until a fictitious panic was produced. The operation was kept up, the Bank screwing tighter and tighter, and the alarm guns firing, and the tocsin ringing faster and louder in the Senate, until the pressure had reached its lowest point of depression, and the panic its highest point of calmation, and the important elections of New York and Virginia were just at hand, and every thing was ripe for the final blow. The condemnation of the President before those elections, and at the moment of their commencement, was this final blow, and the exact moment for striking it had arrived on Friday, the 25th day of March. That was the day, for it was the last day it could be done in time to have its effect. Monday was the first day of April; and the great elections were to begin; it was therefore indispensable that the news of the condemnation of the President should leave Washington a few days before the first of April, in order to reach in time the more remote election grounds in the great States of New York and Virginia, and to have its effect upon those elections. This is the reason why the debate on the condemnatory resolution was delayed, protracted, prolonged, and spun out from the 26th of December to the 25th of March, and then passed in the hurry and precipitation which produced that scene of consultation and of whispering, of running to and fro, of putting in and striking out, of offering and withdrawing, which was then witnessed in the Senate, and which ended in the engendering of that unrivalled specimen, that *ne plus ultra* production, *chef d'œuvre*, and everlasting masterpiece of the non-committal policy, which now stands upon your journal as a judgment of condemnation against President Jackson!

Mr. B. said he was an enemy to monopolies, and must express his dissatisfaction to them, in whatsoever shape they were presented to his view. Here was a monopoly, a new and strange monopoly; it was a monopoly of non-committal and of irresponsibility, and that by friends present to the prejudice of their friends absent. The Kentucky legislative resolve, all the State legislative resolves, all the resolves of all the public meetings, and all the petitions of the 120,000 petitioners sent into the Senate, were direct and specific in their charges against the President. They all charged in direct terms the violation of the laws and constitution, and all grounded their charges upon the dismissal of Mr. Duane, the appointment of Mr. Taney, the assumption of the responsibility, the removal of the deposits, and the danger to the liberties of the people. They all specified these acts, and therefore fully committed themselves, and now stand committed upon them. So did their friends and leaders on this floor. All were even at the start. All were in the same predicament up to the memorable 25th day of March, 1834. Up to that day all were together in the *Caudine Forks*, but now the leaders and their followers are divided. The leaders extricated themselves; they uncommitted themselves, they cut loose from the Bank and all its griefs and complaints. They drop every thing which could connect them, upon the record, with the Bank and its cause; ensconced themselves in the mystification of amphibolous phrases; and now stand untrammelled, unpledged, untied, uncommitted and non-committed upon one single allegation of law or fact on which responsibility can be incurred, or an issue can be taken. This is wrong. The leaders should never desert their followers; they should never leave their deluded associates in the lurch. The military man shares the fate of his soldiers; he saves them, or dies with them! The politician should do the same. No monopoly of escape is allowed to any one more than to the other. Here is a case for sympathy and relief,—for interposition and help. The followers should be allowed to escape with the leaders; they should be allowed to cut loose from the Bank; they should be permitted to uncommit themselves! and for that purpose should have leave to withdraw and amend! to amend, by striking out every thing that relates to the deposits, the Secretaries, the liberties of the people, the responsibility, &c., and float at large upon the undefinable and intangible denunciation of "THE LATE EXECUTIVE PROCEEDINGS IN RELATION TO THE REVENUE!"

IV. My fourth proposition applies to the doctrine of legal implications, and affirms that what has been withdrawn upon objection, cannot afterwards be understood, by implication, to remain a part of the record. The proposition, for its better understanding, will be read. It is in these words:—

"And whereas the specifications contained in the first and second forms of the resolve, having been objected to in debate, and shown to be insufficient to sustain the charges they were adduced to support, and it being well believed that no majority could be obtained to vote for the said specifications, and the same having been actually withdrawn by the mover in the face of the whole Senate, in consequence of such objection and belief, and before any vote taken thereupon, the said specifications could not afterwards be admitted by any rule of parliamentary practice, or by any principle of legal implication, secret intendment, or mental reservation, to remain and continue a part of the written and public resolve from which they were thus withdrawn: and, if they could be so admitted, they would not be sufficient to sustain the charges therein contained."

The proposition contains three points: 1. An affirmation: 2. A rule of law: 3. An issue offered.—The affirmation, in part, is proved by the record, namely, that the specifications of President Jackson's supposed illegal and unconstitutional conduct, were all withdrawn; and the remainder of it, namely, that they were withdrawn because no majority, not even a party one, could be got to vote for them, can be proved by the Senators then and now present. The rule of law is too clear for argument. It is known to every apprentice to the law, that what is given up upon the face of the record, cannot be retained, as a part of the case, by any fiction of pleading, legal intendment, constructive implication, mental reservation, or supposititious reintegration whatsoever. The issue is open and bold, that if the specifications can be saved by implication, they are insufficient to justify the condemnation; and to

the trial of this issue, we challenge and defy the whole power of the opposition.

V. My fifth proposition affirms the total impropriety, and the particular unconstitutionality of the Senate's proceeding against President Jackson. It is in these words:—

"And whereas the Senate being the constitutional tribunal for the trial of the President when charged by the House of Representatives with offences against the laws and the constitution, the adoption of the said resolve before any impeachment was preferred by the House, was a breach of the privileges of the House, a violation of the constitution, a subversion of justice, a prejudication of a question which might legally come before the Senate, and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should thereafter be regularly impeached by the House of Representatives for the same offence."

In this proposition, said Mr. B., I take my stand upon the same ground which I took in the case of Mr. Barry, in February, 1831, and in the case of President Jackson, in January, 1834. What I said in the case of Mr. Barry, five years ago, has been read—what I said in the case of President Jackson, two years ago, will be read now. It is done for two purposes; first, to show that we stand upon the same ground now which we occupied then; and next, to let it be seen that the expunging process is no after thought with us—and that gentlemen are not allowed to take a distinction between expunging now and expunging then—their power alone having prevented the expurgation at the same session, the same day and the same instant, at which the unjust and unrighteous sentence was passed.

Mr. B. here read from the debate of February, 1834. "Mr. Benton said that the first of these resolutions contained impeachable matter, and was in fact, though not in form, a direct impeachment of the President.—He recited the constitutional provision that the President might be impeached, 1. for treason; 2. for bribery; 3. for other high crimes; 4. for misdemeanors; and said that the first resolution charged both a high crime and a misdemeanor; the crime, in violating the laws and constitution, in seizing upon illegal and ungranted power over the public Treasury, to the danger of the liberties of the people; the misdemeanor, in dismissing the late Secretary of the Treasury from office. Mr. B. said that the terms of the resolution were sufficiently explicit to define a high crime within the meaning of the constitution, without having recourse to the arguments and declarations used by the mover of the resolution in illustration of his meaning; but if any doubt remained on that head, it would be removed by the whole tenor of the argument, and especially that part of it which compared the President's conduct to that of Caesar in seizing the public treasure in Rome, to aid him in putting an end to the liberties of his country; and every Senator, in voting upon it, would vote as if he was responding to the question of guilty or not guilty, in the concluding scene of a formal impeachment. We are then, said Mr. B., trying an impeachment! But how? The constitution gives to the House of Representatives the sole power to originate impeachment—yet we originate this impeachment ourselves. The constitution gives the accused a right to be present—but he is not here. It requires the Senate to be sworn as judges—but we are not so sworn. It requires the Chief Justice of the United States to preside when the President is tried; but the Chief Justice is not here presiding. It gives the House of Representatives a right to be present, and to manage the prosecution—but neither the House nor its managers attend this proceeding. It requires the forms of criminal justice to be strictly observed; yet all these forms are neglected, or violated. It is a proceeding without law, without justice, without precedent—in which the Chief Magistrate of the Republic is to be tried without being heard, and in which his accusers are to act as his judges."

This is what I said two years ago. I choose to refer to it as I then said, and to repeat it now, first, to show that my present opinions of the conduct of the Senate were formed two years ago, and fully expressed then, and are not the creation of subsequent events and after thoughts; and, secondly, that the specifications there made were laid hold of, and expressly objected to, as showing the impeachment character of the resolutions; so that the proof is clear that they were withdrawn to avoid objections which could not be answered, and on which votes could not be taken. I thus show that the opinions expressed in this fifth proposition are as old as the commencement of the Senate's proceeding against the President; and what is, perhaps, more material, I have shown from the resolutions proposed in the Kentucky Legislature, in the case of Judge Innes, that they were expressed by others long before I had any occasion to form opinions upon such subjects. I will place my proposition by the side of that resolution, and leave it to any one to show a difference, except in the circumstance that makes the conduct of the Senate many ten thousand times more censurable, than the conduct of the Kentucky General Assembly.

It was thus, Mr. President, that I challenged the unconstitutionality of the Senate's proceeding on the moment of the first introduction of this fatal resolution. I did so from a thorough conviction of its total infringement of the constitution. I knew then, and I know now, what was due to the Senate, and what was implicated of myself in the expression of such an opinion. I know that I spoke under a just and mighty responsibility to that enlightened discernment and high moral sense of the community which no man may be permitted to disregard, and which is so prompt to perceive, and so able to avenge, the outrage of unjust accusation. I knew that the charge must be made good, or recoil upon its author, and I went on at that time to justify the challenge which I had made. Will the Senate indulge me in the reading of a few words of what I then said, and which will stand for a part of my speech now? This is the part which I beg leave to repeat:—

Mr. B. then read from the same debate: "Mr. BENTON called upon the Senate to consider well what they did, before they proceeded further in the consideration of this resolution. He called upon them to consider what was due to the House of Representatives, whose privilege was invaded, and who had a right, and which had a right, to send a message to the Senate, complaining of the proceeding and demanding its abandonment. He conjured them to consider what was due to the President, who was thus to be tried in his absence for a most enormous crime—what was due to the Senate itself in thus combining the incompatible characters of accusers and judges, and which would itself be judged by Europe and America. He dwelt particularly on the figure which the Senate would make in going on with the consideration of this resolution. It accused the President of violating the constitution, and itself committed twenty violations of the same constitution in making the accusation! It accused him of violating a single law, and itself violated all the laws of criminal justice in prosecuting him for it! It charged him with conduct dangerous to the

liberties of the people; and immediately trampled upon the rights of all citizens in the gratuitous assumption to protect them from that illusory danger."

Mr. B. would close this head. It was a painful one. It was a pointed and severe condemnation of the Senate's conduct; but not more so than had been pronounced in Kentucky in a case many thousand degrees below the culpability of the present one. Mr. B. would confront his proposition with the concluding resolve in the Kentucky case, and appeal to all candid men to say if the censure then pronounced is not many ten thousand times more applicable to the Senate, who are the constitutional triers of President Jackson, than to the Kentucky General Assembly, who were not the triers of Judge Innes.

The fifth proposition.

"The Senate being the constitutional tribunal for the trial of the President when charged by the House of Representatives with offences against the laws and constitution, the adoption of the said resolution before any impeachment was preferred by the House, was a breach of the privileges of the House, a violation of the constitution, a subversion of justice, a prejudication of a question which might come before the Senate, and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should be afterwards regularly impeached by the House of Representatives for the same offence."

The Kentucky resolution.

"That the constitution and laws of the land, securing to each citizen, whether in or out of office, a fair and impartial trial, whether by impeachment or at common law, the example of a legislative body, before the commencement of any prosecution, expressing an opinion upon the guilt or innocence of an implicated individual, would tend to subvert the fundamental principles of justice."

VI. Mr. B. took up his sixth proposition, and read it: "And whereas, the temperate, respectful, and argumentative defence and protest of the President against the aforesaid proceedings of the Senate, was rejected and repulsed by that body, and was voted to be a breach of its privileges, and was not permitted to be entered on its journal, or printed among its documents, while all memorials, petitions, resolves, and remonstrances against the President, however violent or unfounded, and calculated to inflame the People against him, were duly and honorably received, economically commented upon in speeches, read at the table, ordered to be printed with the long list of names attached, referred to the Finance Committee for consideration, filed away among the public archives, and now constitute a part of the public documents of the Senate, to be handed down to the latest posterity."

Resuming his speech, Mr. B. went on to say that the statements in this proposition were merely historical, and intended to preserve the memory of the manner in which the defence of the President was repulsed, and the attacks of his assailants were received. The proof of the main allegations will be found in the journals of the session, 1833, '34; but what that journal does not show, and what no history can ever adequately tell, is the violence and fury with which the President was denounced, and his protest stigmatized during all that period. It was a period which covered the progress of the Virginia elections, which, protracted through the month of April in that State, are extended in some instances into the month of May. The debate in the Senate, on the protest, was calculated for the meridian of that State, and spread over the three weeks that the remaining elections had to continue; and during that time a daily torrent of invective was poured upon his head, and language, the most furious and contemptuous, was lavished upon him; exhibiting, perhaps, a degree of violence in the breasts of those who had just been acting as judges never before witnessed in our America, never seen in England since the time Jeffries rode the western circuit, and never seen in France, before, or since, the time when the revolutionary tribunal sat in judgment upon the noblest spirits of the country, and called up, to be insulted at the bar, those it dismissed to be detroned on the scaffold. This scene ended in the adoption of the resolution which will be found at page 253 of the Senate journal for the session 1833, '34: "THAT THE AFORESAID PROTEST IS A BREACH OF THE PRIVILEGES OF THE SENATE, AND THAT IT BE NOT ENTERED ON THE JOURNALS."

A breach of their privileges! The attempt of the President, after sentence pronounced upon him, to show that it ought not to have been pronounced, to be solemnly voted to be a breach of the privileges of this Senate!—What are, then, our privileges? Is it the privilege of the Senate, to condemn without hearing, and to insult whom it condemns? In the language of the Kentucky resolutions, is it their privilege to arraign the public officer, who may have committed a violation of the laws and constitution of the Union, and to fix an indelible stigma upon him, without the forms of trial or judicial proceedings? Is it their privilege to consume the public treasure, and the public time, in investigating subjects not within their sphere? Is it their privilege to violate the right to that fair and impartial trial, which the constitution and the laws of the land have secured to every citizen, in or out of office, whether triable by impeachment, or at common law? Is it their privilege to exhibit the example of a legislative body, before the commencement of any prosecution, expressing an opinion upon the guilt or innocence of an implicated individual, and thus subverting the fundamental principles of justice? More than all, is it the privilege of the Senate to try the President of the United States upon charges put forth by the Bank of the United States, and to use against him the fifty pages of accusation furnished by the Bank, and not receive one word of defence offered by himself? Is it the privilege of the Senate to act as witnesses, prosecutors, and judges, in the same case? Is it their privilege to withdraw specifications from the record, and retain them in the mind? To make a verdict upon compromise, and to condemn the President without being able to tell for what? Is it their privilege to receive petitions from 120,000 people, demanding the condemnation of the President, and not hear one word from himself in vindication of his innocence? If these are the privileges of the Senate, then has the President violated those privileges by protesting against them; if not, then has the Senate placed another entry upon its journal, which truth and justice would require to be taken off!

Mr. President, the condemnation of the Senate, is a much more serious affair than would seem to persons not familiar with Parliamentary law. It is a conviction for a crime! for a crime which may affect the independence, the existence, and the purity of the body. It is a crime for which the Senate has a right to punish the offender! to take him into custody by their sergeant-at-arms, to have him brought to the bar of the Senate, unreprimanded, imprisoned, or required to apologize. In cases of imprisonment, the party is not bailable, nor can he be released upon Habeas Corpus; so that there is a condemnation of the President, by virtue of which the Senate could make the President their prisoner, and keep him in confinement without the right to legal re-

LE.—The Stock and Stand of a Grocer at the
Salem and Cross sts. epif a2

n Boat

[illegible]

Michael
new
il H
Albert
P
ue

Teasdale Mason
Williams Danl
Wallis Jos
Willot Ths
Whiting Nancy
Wait Ghs
Wait Daniel

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SAMUEL S. GREEN, P. M.